

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NEXSTEP, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 19-1031 (RGA)(SRF)
	)	
COMCAST CABLE COMMUNICATIONS,	)	
LLC,	)	
	)	
Defendant.	)	

**JOINT INTERIM STATUS REPORT**

Pursuant to the Court’s Revised Scheduling Order (D.I. 36) and December 28, 2020 Docket Entry, Plaintiff NexStep, Inc. (“NexStep” or “Plaintiff”) and Defendant Comcast Cable Communications, LLC (“Comcast” or “Defendant”) submit this Joint Interim Status Report in advance of the scheduled May 4, 2021 Status Conference.

**1. Procedural History**

NexStep filed this suit against Comcast on June 3, 2019, alleging infringement of nine patents. D.I. 1. Comcast denies infringement and contends that the asserted patents are invalid. D.I. 40. The parties have engaged in several rounds of case narrowing.

On October 30, 2020, Judge Fallon issued a Report and Recommendation on Claim Construction (“Claim Construction Report”). NexStep filed objections to the Claim Construction Report on November 13, 2020. The Court has yet to rule on those objections.

## **2. Progress of Discovery to Date**

Fact discovery is closed. The parties have exchanged opening and rebuttal expert reports, and will exchange reply expert reports on April 26, 2021. Expert discovery closes on May 7, 2021. Dispositive motions and *Daubert* motions are due by May 14, 2021.

**NexStep's Statement:** NexStep's experts have applied in their reports both the claim construction rulings in the Claim Construction Report and the proposed claim constructions that are the subject of NexStep's objections to the Claim Construction Report. NexStep will do the same in its dispositive and *Daubert* motions, to the extent the Court has not yet ruled on its objections.

**Comcast's Statement:** In its motions, Comcast will apply the claim construction rulings in the Court's Claim Construction Report and Recommendation. If the Court changes those constructions in its ruling on NexStep's objections, Comcast contends that it may need additional time to adjust expert disclosures and dispositive motion briefing to account for any revised constructions.

The parties' exchange of lists of each fact witness to be called at trial is scheduled for May 28, 2021. The pre-trial conference is scheduled for September 3, 2021, and trial is scheduled for September 20, 2021.

## **3. No Issues to Present to the Court**

As of the submission of this report, the parties do not request the assistance of the Court.

Comcast nonetheless requests that the Court proceed with the Status Conference to discuss one item. In particular, the parties are conferring regarding certain aspects of their respective expert reports. The parties are currently attempting to resolve those issues without the Court's intervention, and will also attempt to do so in relation to any issues arising from their respective

reply expert reports due Monday, April 26, 2021. By the time of the status conference, the parties should have a better sense of whether these issues can be resolved without the assistance of the Court.

Dated: April 23, 2021

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